

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.18803 of 1997

Between:

M/s. Andhra Cements Limited, rep.by its authorised representative
Mr. E.V.R.S.A. Prasad, S/o. E.R.K.Murty,
R/o. Secunderabad, Hyderabad.

..... PETITIONER

AND

- 1 The Debt Recovery Tribunal for A.P.
and Karnataka at Bangalore.
- 2 M/s. Punjab National Bank rep.by its Branch Manager,
Abids, Hyderabad.
- 3 M/s. Teletek India Limited rep.by its Managing Director,
44, II Floor Nagarjuna hills, Hyderabad.

(Writ petition as against Respondent No.3 is dismissed for default as per court order
dt. 31/7/2000)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ and direct the 1st respondent to forbear from proceeding with adjudication of the money suit filed by the 2nd respondent against the petitioner in O.A. No. 1030/96 without obtaining the consent from the Board for Industrial and Financial Reconstruction (BIFR) during the implementation of the rehabilitation package sanctioned by the said board to the petitioner in case No. 33/90 dated 6-6-94.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for the Respondent No.2: Mr. K. Surya Narayana

Counsel for the Respondent No.1: Mr. K. Ramulu

The Court made the following:

ORDER:

Heard the learned counsel for petitioner and the respondents.

The relief sought by the petitioner in this writ petition is that the 1st respondent is proceeding with the adjudication of the money suit in O.A.No.1030 of 1996 filed by the 2nd respondent against the petitioner without obtaining any consent from the Board for Industrial and Financial Reconstruction (BIFR) during the implementation of the rehabilitation package sanctioned by the said Board to the petitioner in Case No.33 of 1990, dated 06.06.1994.

A perusal of the affidavit, filed in support of the vacate stay petition by the respondents, shows that they have already obtained the consent of the Board for Industrial and Financial Reconstruction (BIFR) vide proceedings No.18(4)/50/B-1/BIFR/MON/94, dated 29.08.2001 to proceed against the petitioner herein.

In that view of the matter, the objection raised by the petitioner in the present writ petition is not available as on today. The writ petition fails and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Date: 15.03.2005

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Debt Recovery Tribunal for A.P.
and Karnataka at Bangalore.
- 2 The Branch Manager, M/s. Punjab National Bank
Abids, Hyderabad.
- 3 Two CD copies
- 2) 1 CC to MR.VENKATARAMANA
- 3) 1 CC to MR.SURYANARAYANA

*Form-NIC-OGS/WP{**TML**}*